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Summary record of the 3501st meeting
Held at the Palais Wilson, Geneva, on Tuesday, 10 July 2018, at 10 a.m.

Chair: Mr. Politi (Vice-Chair)

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In the absence of Mr. Shany, Mr. Politi (Vice-Chair) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial periodic report of Liberia (*continued*) (CCPR/C/LBR/1; CCPR/C/LBR/Q/1)

1. *At the invitation of the Chair, the delegation of Liberia took places at the Committee table.*

2. **Mr. Ben Achour** said that it was positive that the Government had launched the zero tolerance Five-Year Action Plan to combat trafficking in persons, and that the State party had a solid legal framework in place, including the Anti-Human Trafficking Act. However, non-governmental organizations (NGOs) had reported that forced and child labour were used in street vending, begging, rubber plantations, gold and diamond mines and rock quarries. Some victims, both Liberians and foreign nationals, were also subject to sexual slavery. He wished to know what actions the Government was taking to address the trafficking of women and children, and forced labour, including the worst forms of child labour. He wondered whether investigations should be carried out, cases brought to trial and appropriate sentences handed down to perpetrators, and what steps the Government intended to take to assist the rehabilitation of victims.

3. The level of overcrowding in prisons was of great concern. The United Nations Mission in Liberia (UNMIL), for example, had reported in February 2018 that the total prison population was approximately 2,364, despite a total prison capacity of 1,355. The situation negatively affected food, hygiene and medical conditions and was incompatible with the Nelson Mandela Rules. In addition, the sentences handed down to many prisoners were shorter than the periods they had already spent in pretrial detention. He wished to know whether the Government intended to undertake legislative reforms, including revising the Penal Law and the Criminal Procedural Law, or propose measures such as alternative sentencing. The State party could also consider establishing an ombudsman to monitor the situation in each prison, or instigating budgetary reforms to provide for the improvement of existing prisons and the construction of new ones. He would also appreciate information on steps to combat corruption in the legal system, particularly bribery, which could lead to imprisonment on dubious grounds.

4. The State party had previously received recommendations on the elimination of corporal punishment from the Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child, and during the second cycle of its universal periodic review. He would appreciate information on progress made towards prohibiting the use of corporal punishment against children in all settings. He also wished to know the rate of birth registration.

5. **Mr. Heyns** said that up to 55 per cent of prisoners in the State party were subjected to pretrial detention, which had negative consequences on their health and reputation. Such detention occurred irrespective of whether the detainee's guilt was later established, and many detainees were held for minor offences owing to the absence of a bail system. The prevalence of pretrial detention appeared to be caused by, inter alia, a lack of suitable infrastructure, a shortage of lawyers, poor coordination between the police and the judiciary, and corruption. He would appreciate information on how the problem and its causes were viewed in the State party. Moreover, he requested clarification as to how the joint task force established by the Public Defense Office and the Solicitor-General's Office would enable trials to be held more quickly and asked whether there were initiatives to consider revising the bail system or establishing alternative sentences. The delegation should provide further information on the Magistrates Sitting Program and the extent to which it enabled cases to be addressed more quickly at the local level. In view of the fact that some defendants were negatively affected by the absence of interpretation during court proceedings or by insufficient legal aid provisions, and that the Public Defense Office also suffered from severe staffing constraints, exacerbated by the high registration fees for people wishing to practice as lawyers, he would appreciate information on how the State party intended to overcome those impediments to a speedy trial.

6. Although freedom of expression was formally recognized in the State party's Constitution and legislation, there had been a number of documented incidents of direct harassment of media outlets for criticism of the Government. He wished to know the extent to which such incidents continued to occur and whether anti-Government hate speech was still a punishable offence. While it was positive that the Government had adopted the Declaration of Table Mountain, accusations of libel and defamation had also been used to stifle dissent, with journalists having been arrested and even sued for allegedly insulting politicians. He would appreciate information on the status of the bill introduced to abolish the offence of libel against the President and asked whether it would address criticism of the Government more broadly. Moreover, he would appreciate further information on reports that some media outlets had been denied registration and on the process of establishing an independent regulator to assess action taken against the media.

7. **Mr. Shany** said that the Committee was concerned that the existing legal framework provided broad grounds for removing judges from their positions, which could have a negative impact on the independence of the judiciary. He would appreciate further information on the issue, particularly the circumstances in which it was applied. Moreover, he wished to know how the term "good behaviour" was understood in relation to the judiciary and why such language was used.

8. Regarding the judicial system, a 2015 report by the African Commission on Human and Peoples' Rights had noted numerous challenges relating to funding, infrastructure and case load management, as well as corruption. He asked whether the State party considered corruption to be a particular problem in the judicial system and, if so, what was it doing to address the issue.

9. Moreover, in view of reports of a backlog in court cases, he wished to know whether the executive played any role in determining the order in which cases were reviewed and what measures the State party was taking to strengthen access to justice. In addition, he would appreciate information on the criteria governing the promotion, demotion and court assignment of judges, and the extent to which the executive was involved in such movements.

10. The Committee remained concerned about the implications of article 97 of the Constitution and the potential impunity it provided. He would appreciate additional information on the Government's plan to reform the article, including whether it should be retained and how it could be amended.

11. Regarding the status of refugees, he wished to know whether the amendments to the Refugee Act supported by the previous President were still under development, whether the Government supported them and whether they would be adopted into law. Particularly in view of allegations that some of the 14 people deported from Liberia to Côte d'Ivoire in 2014 had suffered abuse on their return, he would be grateful for information on how courts addressing extradition or deportation requests took non-refoulement into consideration, as well as the extent to which the State party forcibly removed foreign nationals and how often it did so. The delegation should comment on the veracity of reports that refugees, asylum seekers and other migrants had been prevented from engaging in certain economic activities.

12. He would like to know when the land rights bill and the land authority bill were likely to be passed and what changes relating to customary land tenure were provided for in the land rights bill. He wondered what was being done to address the concern that some development projects had not benefited local communities as anticipated and whether the Government imposed corporate social responsibility standards on companies involved in such projects.

13. Noting that concerns had been raised about the issuance of long-term leases for development projects on customary land without adequate consultation of the local community, he asked whether the Government was aware of those concerns and whether local communities that had lost access to customary land would receive any form of compensation. Lastly, he enquired whether measures had been taken to protect the interests of women in connection with development projects on customary lands, given that women were particularly adversely affected by such projects for a number of reasons.

14. **Ms. Waterval** said that she would be grateful if the State party could elaborate on its replies to the questions raised in paragraph 24 of the list of issues. In particular, the delegation should explain how blind persons, wheelchair users and other persons with disabilities were able to participate in elections, and respond to the allegations that freedom of assembly had been restricted during the 2011 and 2017 elections.

15. She would welcome more information on the legal framework for combating corruption and any plans to improve its effectiveness. The Committee had noted that, although penalties had been established for corruption-related acts such as mismanagement of funds and bribery, no penalties had been established for corruption involving public officials.

The meeting was suspended at 10.45 a.m. and resumed at 11.05 a.m.

16. **Mr. Mulbah** (Liberia) said that, since his country's ratification of the second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, no persons sentenced to death had been executed. Steps were being taken to harmonize national legislation with the provisions of the Constitution and the Covenant. The Use of Force Regulation had come into effect before the 2017 elections and was currently being implemented. It stipulated that the use of force and the use of arms by law enforcement officers should be reasonable and proportionate. Investigations were carried out in cases where officers were alleged to have caused injury or death through excessive use of force; one such case would be brought to trial in August.

17. The Government had continued to carry out awareness-raising in order to combat trafficking in persons. Staff of the Liberia Immigration Service were skilled in identifying victims of human trafficking. A number of cases of human trafficking had been investigated and prosecuted. Victims were provided with medical assistance and shelter until their cases had been resolved. There had been no allegations of the involvement of government officials in human trafficking.

18. Judges and prosecutors received training in Liberia and abroad on combating corruption; a training workshop of that kind had taken place just two weeks previously. There were several institutions in place to investigate allegations of corruption, including the Liberia Anti-Corruption Commission. Government officials suspected of corruption were charged and brought to trial. The head of a local government institution had recently been convicted of corruption; the verdict was being appealed before the Supreme Court. In another case of suspected corruption, the trial had been halted due to jury tampering; the case would be retried at a later date. The case of Varney Sherman and Alex Tyler had been brought to trial but the proceedings had been halted because a challenge had been submitted to the Supreme Court; once the Supreme Court had reached a decision, the trial would resume. As those examples illustrated, legal action was being taken to combat corruption; however, the Government had little control over the duration of legal proceedings.

19. The Government was aware of the need to combat child labour. It had removed child street vendors from the streets and had sought to discourage parents from sending their children out to earn money. Awareness-raising in that regard was also carried out by NGOs. Complaints of child labour and sexual slavery involving foreign nationals were investigated. A recent case of sexual slavery involving women from Morocco and Tunisia had been brought to trial and had resulted in conviction. The Government lacked the resources to provide rehabilitation services for victims in such cases, but it hoped to make progress in that area, with support from its partners.

20. With regard to prison overcrowding, he wished to clarify that the figure cited by the Committee corresponded to the total prison population rather than the population of Monrovia Central Prison. The population of that prison was around 1,000 inmates, compared with a capacity of 375. In order to reduce overcrowding, the Government had introduced a fast-track review mechanism (the Magistrates Sitting Program) for cases involving minor offences. Non-custodial alternatives to imprisonment, including bail or release on parole, were also used to reduce the prison population. However, accused persons remained in custody while awaiting trial. Consideration would be given to the suggestion of introducing prison ombudsmen.

21. Police officers were often ill informed about the procedure that applied in relation to civil matters. As a result, citizens were sometimes arrested on criminal charges for minor offences, including debt. In order to remedy the situation, magistrates and prosecutors had been instructed to oversee police conduct and ensure that no criminal charges were laid against persons accused of minor infractions. There had been fewer complaints of wrongful detention since. The joint task force set up by the Public Defense Office and the Solicitor-General's Office reviewed case files along with judges and made recommendations for prosecution or release of persons held in pretrial detention. In that context, some 75 prisoners who had been detained beyond the term of their sentence had been released to date. The Liberian National Bar Association was looking into complaints from lawyers who had passed the bar examination but were unable to set up a practice because of prohibitively high fees. Review of the fee policy would be an important step to address the current shortage of lawyers.

22. The judiciary had financial autonomy, which enhanced its independence. The term "good behaviour" was related to the grounds for removal from office of judges as set forth in article 71 of the Constitution. The Constitution laid down a rigorous procedure for the removal of judges, involving a fair trial and due process, and the executive branch played no part in that procedure.

23. **Mr. Togbah** (Liberia), drawing attention to the measures taken to achieve universal birth registration as described in the State party's written replies to the list of issues, said that registration services had been extended to rural areas. In Bong county, for example, in the context of the Liberia Decentralization and Support Programme more than 2,200 persons of all ages, from newborns to adults, had obtained a birth certificate between April 2017 and April 2018. The principal issue with regard to birth registration during the Ebola virus disease outbreak had been the inability of hospitals to focus on safe delivery and registration out of fear of contracting the virus.

24. The Government's efforts to eliminate corporal punishment provisions from legislation had met with considerable resistance at the community level. During the discussions held with stakeholders to promote the abolition of corporal punishment in both the criminal justice system and traditional justice, communities had expressed concern that the authorities were seeking to interfere with their form of exercising discipline. Although some progress had been made, more time was needed to raise public awareness in that regard.

25. **Ms. Jackollie** (Liberia) said that recent collective bargaining agreements, especially in the rubber sector, had provisions prohibiting parents from using their children to help them in their work. In case of violations, punitive action was taken as a deterrent. The National Commission on Child Labour provided training for workers and employers. Labour inspectors had also been tasked to raise awareness of workers and employers at the workplace.

26. The drafting of the National Referral Pathway for the protection of victims of human trafficking had been completed. The document, which had been validated by stakeholders and was due for endorsement by cabinet, would provide useful guidance on victim identification and assistance.

27. **Ms. Dorliae** (Liberia) said that while the Land Authority Act had been adopted in October 2016 and the Liberia Land Authority was fully functional, the land rights bill remained pending, with several issues outstanding. Land tenure and land administration were crucial issues in Liberia, hence the need for relevant legislation. Although the Constitution provided that all minerals and natural resources belonged to the Republic, many of those resources were privately owned. In the past, communities had not been consulted on land use, and the new land rights act was intended to remedy those shortcomings. The bill recognized customary land ownership and provided for the involvement of communities in concession negotiations. Similar to the Community Rights Law, which created a legal framework that defined and supported community rights in the management and use of forest resources, the land rights bill sought to ensure that communities benefitted directly from concession agreements. It also granted communities the right to determine the amount of compensation awarded and to decide how that money

was used. As a result of the active involvement of the Women's Land Rights Task Force in the drafting process, the bill afforded greater protection of women in regard to land rights issues.

28. **Mr. Mulbah** (Liberia), giving a brief overview of the historical background of article 97 of the Constitution, said that the two referendums held to amend the article had been unsuccessful. The popular votes at the time had been influenced by the overall political situation and fear of a return of the military regime. The provision clearly encouraged impunity and was being reviewed by the Law Reform Commission to seek its removal. Mentalities had changed, the courage to bring the perpetrators of past human rights violations to justice had increased, and fears of another military coup had gradually subsided. Thus he was optimistic that a new referendum to remove article 97 would be successful.

29. With regard to the court ruling of 3 July 2018 approving the extradition of 14 refugees from Côte d'Ivoire, he said that the individuals in question had been involved in a cross-border attack against villages in Côte d'Ivoire. They had been arrested at the border by the security forces, investigated and charged. Subsequently, the Government of Côte d'Ivoire had sent an extradition request, as they had already been charged with crimes committed in their country of origin. In line with Liberia's international obligations, the court had thoroughly reviewed the extradition request to ascertain whether the defendants might be subject to political persecution or even the death penalty on return, as had been alleged by the defence lawyer. The court had found that those allegations were unfounded and approved deportation.

30. The Government was not aware of any reports of migrants being denied the opportunity to carry on economic activities but would gladly respond to specific allegations. The law provided that certain activities, such as the retail sale of water, could be engaged in only by Liberians, to protect local livelihoods. However, the authorities did not tend to enforce such rules at the lower level. Action would be taken to prevent any undue restriction of migrants' rights in that regard.

31. The Government was conducting a study with a view to enfranchising citizens who attained the age of 18 years before elections took place but after voter registration had ended. It was also taking steps to enable pretrial detainees to vote. Blind persons, wheelchair users and other persons with disabilities were provided with the assistance they needed to participate in elections.

32. **Mr. Shany** said that he would appreciate further clarification of the reported prevention of migrants from engaging in mining activities. Further, he wished to know what other economic activities were reserved exclusively for Liberians and on what basis such restrictions were imposed.

33. He welcomed the information on the independence of the judiciary but wished to have more information on the failed impeachment of three justices of the Supreme Court in August 2017. Specifically, he wondered how the ability of politicians to initiate such proceedings reflected on the independence of the judiciary.

34. **Mr. Santos Pais** said he would like to know what kind of relationship the public prosecution service had with the executive and the police and, in particular, whether it had oversight of police conduct.

35. **Ms. Dorliae** (Liberia) said that the Constitution provided for the impeachment of judges in cases of proven misconduct and under very specific circumstances. The impeachment process was deliberately arduous to protect the judiciary. Impeachment bills had to be tabled before the House of Representatives and then the Senate. The impeachment case of August 2017 had ultimately been unsuccessful because the approval of the Senate had not been forthcoming.

36. **Mr. Mulbah** (Liberia) said that the impeachment proceedings had been discontinued since, as a matter of law, judges could not be removed on the basis of rulings that they had handed down. Indeed, to impeach judges for discharging their duties would be to curb their independence.

37. Public prosecutors or county attorneys provided the police with legal advice and supervised their investigations. While the police had sole responsibility for conducting investigations, any charges that they subsequently brought could be revised by the county attorney.

38. Foreign nationals had been known to engage in mining activities in Liberia without obtaining the appropriate license. The Ministry of Lands, Mines and Energy shut down such ventures irrespective of their country of origin.

39. **Ms. Cassell** (Liberia) said that her Government would continue to address the barriers to honouring its international treaty obligations. Given the numerous constraints facing her relatively new Government, particularly in the area of resource mobilization, she would be most grateful for the Committee's continued support in that regard. Lastly, she expressed her sincere appreciation to the representatives of civil society organizations for their input.

40. **The Chair** said that he appreciated the State party's commitment to implementing the provisions of the Covenant. He was hopeful that the new Government would take steps to address the many issues raised, including past human rights violations, the blanket amnesty for public officials under article 97 of the Constitution, the practice of female genital mutilation, prison overcrowding and criminalization of voluntary termination of pregnancy. In that vein, he looked forward to future interaction with the State party.

The meeting rose at 12.35 p.m.